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September 18, 2015

By Electronic Filing and Overnight Mail

The Honorable William H. Walls
United States District Judge
United States District Court
District of New Jersey
50 Walnut Street
Newark, New Jersey 07101

Re: United States v. Menendez and Melgen, Crim. No. 2:15-cr-00155 (WHW)

Dear Judge Walls:

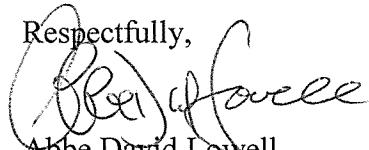
I hesitate to write and would not except that the Justice Department attorney raised a new argument for the first time yesterday at the hearing that misrepresented an important fact – an argument the Department did not raise in its oppositions to motions and an assertion of fact that the Department never sought to verify in its prior examination of the relevant witness before the grand jury. During her arguments concerning Motion to Dismiss #13 on Count 22, Ms. Abrishami represented to the Court that Senator Menendez signed his 2011 financial disclosure form for the calendar year 2010 in New Jersey as one basis to assert proper venue. Her support for asserting this “fact” was an entry in a calendar indicating that the Senator was in New Jersey on May 16, 2011, the date the form was filed. In actuality, Ms. Abrishami was wrong about the signing and filing of the report. It was the office practice for Senator Menendez to sign disclosure forms prior to leaving Washington, D.C. when the due date was on a day he was not there. Ms. Abrishami did not say “there can be an inference” that it was signed in New Jersey because of the calendar entry. She unequivocally stated that it was signed in New Jersey and she was wrong.

The Honorable William H. Walls

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Accordingly, we enclose a declaration from Robert Kelly, the person in charge of the filing and the person who addressed the issue in the grand jury, which indicates the process and practice and confirms, as the motion papers alleged, that Senator Menendez signed financial disclosure forms in Washington.

Respectfully,

Abbe David Lowell

Enclosure

cc: Peter Koski, Esq.
Monique Abrishami, Esq.
J.P. Cooney, Esq.
Stephen M. Ryan, Esq.
Thomas J. Tynan, Esq.
Matthew I. Menchel, Esq.
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